

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MATTHEW SCOTT STRICKLAND,)	
)	
Petitioner,)	
)	
v.)	No. CIV-17-843-HE
)	
JIMMY MARTIN, Warden,)	
)	
)	
Respondent.)	

**MOTION TO REOPEN HABEAS CORPUS PROCEEDINGS AND
TO FILE A BRIEF IN SUPPORT OF THE PENDING HABEAS PETITION**

Petitioner, Matthew Scott Strickland, through counsel, moves the Court to reopen his federal habeas corpus proceedings which were previously stayed pursuant to *Rhines v. Weber*, 544 U.S. 269 (2005). And, Petitioner further requests the Court grant him 60 days from the date his case is reopened in which to prepare and file a proper brief in support of his Petition for Writ of Habeas Corpus (Doc. 1). In support of this Motion, Petitioner respectfully shows the Court as follows:

1. On April 8, 2017, Mr. Strickland filed a Petition for Writ of Habeas Corpus utilizing the Court's form (AO 241). Doc.1. The Petition raised 5 grounds for habeas relief. The day before filing his habeas petition, Mr. Strickland filed an Application for Post-conviction Relief in the District Court of Oklahoma County in Case No. CF-2013-2774. The post-conviction application served to exhaust 3 of the grounds for relief that were included in the federal habeas

petition.

2. Contemporaneous to filing the habeas petition, Mr. Strickland filed a motion requesting 60 days from the state court's resolution of his post-conviction application in which to prepare and file a brief in support of his federal habeas petition. Doc. 6. Alternatively, Mr. Strickland requested a stay of these proceedings pursuant to *Rhines v. Weber*, 544 U.S. 269 (2005). *Id.*
3. Following some extended briefing, the Court ultimately concluded a stay was appropriate under *Rhines* and administratively stayed this action. Doc. 17. The Court directed Mr. Strickland to file a motion to reopen this action within 14 days of the Oklahoma Court of Criminal Appeals entering a final ruling on his pending post-conviction application.
4. On January 15, 2020, the District Court of Oklahoma County denied Mr. Strickland's Application for Post-Conviction Relief. Mr. Strickland timely appealed that ruling to the Oklahoma Court of Criminal Appeals. On August 21, 2020, the OCCA entered its Order affirming the district court's denial of post-conviction relief. For convenience, the OCCA's order is attached hereto as Att. 1.
5. In addition to requesting his case be reopened, Mr. Strickland renews his request to prepare and file a proper brief in support of his pending Petition for Writ of Habeas Corpus. *See* Doc. 6, *Motion of the Petitioner to File a Brief*

in Support . . . Mr. Strickland utilized the Court's form to prepare his habeas petition. Doc. 1. A brief in support is necessary so that counsel may address the contours of 28 U.S.C. § 2254(d) with respect to Mr. Strickland's alleged constitutional violations. *Inter alia*, Mr. Strickland must explain how the OCCA's recent decision is an unreasonable application of or contrary to clearly established federal law and/or based upon an unreasonable determination of the facts. Counsel hopes such a brief will assist the Court in its determination of whether Mr. Strickland should be afforded habeas relief.

6. Mr. Strickland respectfully requests 60 days from the date this matter is reopened in which to prepare and file a brief in support of his Petition for Writ of Habeas Corpus.

Wherefore, Petitioner respectfully requests this matter be reopened because the Oklahoma Court of Criminal Appeals has entered a final ruling on his Application for Post-Conviction Relief, and he further requests 60 days in which to prepare and file a Brief in support of his Petition for Writ of Habeas Corpus.

Respectfully Submitted,

s/Robert S. Jackson

Robert S. Jackson, OBA #22189
925 NW 6th ST.

Oklahoma City, OK 73106
Telephone: 405-232-3450
Facsimile: 405-232-3464
bob@bobjacksonlaw.com

COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on the date of filing, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant(s):

Mr. Theodore M. Peeper, Assistant Attorney General

s/Robert S. Jackson

Robert Jackson